

106TH CONGRESS
1ST SESSION

H. R. 763

To make chapter 12 of title 11, United States Code, permanent, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1999

Mr. MINGE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To make chapter 12 of title 11, United States Code, permanent, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Ameri-
5 ca’s Farms Entering the Year 2000 Act”.

6 **SEC. 2. AMENDMENT TO MAKE CHAPTER 12 OF TITLE 11,**
7 **UNITED STATES CODE, PERMANENT.**

8 (a) REENACTMENT.—Chapter 12 of title 11, United
9 States Code, as reenacted by section 149 of division C of
10 the Omnibus Consolidated and Emergency Supplemental

1 Appropriations Act, 1999 (Public Law 105–277), and
2 amended by this Act, is reenacted.

3 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
4 fect on April 1, 1999.

5 (c) CONFORMING AMENDMENT.—Section 302 of the
6 Bankruptcy, Judges, United States Trustees, and Family
7 Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is
8 amended by striking subsection (f).

9 **SEC. 3. AMENDMENTS TO CHAPTER 12 OF TITLE 11, UNITED**
10 **STATES CODE.**

11 (a) CONTENTS OF PLAN.—Section 1222(a)(2) of title
12 11, United States Code, is amended to read as follows:

13 “(2) provide for the full payment, in deferred
14 cash payments, of all claims entitled to priority
15 under section 507, unless—

16 “(A) the claim is a claim owed to a govern-
17 mental unit that arises as a result of the sale,
18 transfer, exchange, or other disposition of any
19 farm asset used in the debtor’s farming oper-
20 ation, in which case the claim shall be treated
21 as an unsecured claim that is not entitled to
22 priority under section 507, but the debt shall be
23 treated in such manner only if the debtor re-
24 ceives a discharge; or

1 “(B) the holder of a particular claim
 2 agrees to a different treatment of that claim;
 3 and”.

4 (b) SPECIAL NOTICE PROVISIONS.—Section 1231(d)
 5 of title 11, United States Code, is amended by striking
 6 “a State or local governmental unit” and inserting “any
 7 governmental unit”.

8 **SEC. 4. EXPANDED DEFINITION OF FAMILY FARMER.**

9 Section 101(18) of title 11, United States Code, is
 10 amended—

11 (1) in subparagraph (A)—

12 (A) by striking “\$1,500,000” and inserting
 13 “\$3,000,000”;

14 (B) by striking “80” and inserting “50”;
 15 and

16 (C) by striking “the taxable year preceding
 17 the taxable year” and inserting “at least 1 of
 18 the 3 taxable years preceding the taxable year”;
 19 and

20 (2) in subparagraph (B)—

21 (A) in clause (i), by striking “80” and in-
 22 serting “50”; and

23 (B) in clause (ii), by striking “\$1,500,000”
 24 and inserting “\$3,000,000”.

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